

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 21-0973.01 Yelana Love x2295

SENATE BILL 21-251

SENATE SPONSORSHIP

Winter and Moreno, Bridges, Buckner, Donovan, Garcia, Jaquez Lewis, Kolker, Pettersen, Story

HOUSE SPONSORSHIP

Gray and Caraveo,

Senate Committees

Finance
Appropriations

House Committees

Finance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING A LOAN FROM THE GENERAL FUND TO THE DIVISION OF**
102 **FAMILY AND MEDICAL LEAVE INSURANCE FOR THE PURPOSE OF**
103 **IMPLEMENTING THE STATE'S PAID FAMILY AND MEDICAL LEAVE**
104 **PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AN**
105 **APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires the state treasurer to transfer \$1,500,000 from the general fund to the family and medical leave insurance fund for the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
2nd Reading Unamended
June 1, 2021

SENATE
3rd Reading Unamended
May 24, 2021

SENATE
Amended 2nd Reading
May 21, 2021

purpose of defraying expenses incurred by the division of family and medical leave insurance (division) before the division receives premium revenue or revenue bond proceeds. The transfer is a loan from the state treasurer to the division that is required to be repaid and is not a grant for purposes of the state constitution or any other state law.

The division is required to repay the loan and accumulated interest by December 31, 2023.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 8-13.3-518, **amend**
3 (1); and **add** (3) as follows:

4 **8-13.3-518. Family and medical leave insurance fund -**
5 **establishment and investment - repeal.** (1) There is hereby created in
6 the state treasury the family and medical leave insurance fund. The fund
7 consists of premiums paid pursuant to section 8-13.3-507 and revenues
8 from revenue bonds issued in accordance with section 8-13.3-508 (2)(d).
9 Money in the fund may be used only to pay revenue bonds; TO REPAY THE
10 GENERAL FUND LOAN PROVIDED IN SUBSECTION (3) OF THIS SECTION; to
11 reimburse employers who pay family and medical leave insurance
12 benefits directly to employees in accordance with section 8-13.3-515 (1);
13 and to pay benefits under, and to administer, the program pursuant to this
14 part 5, including technology costs to administer the program and outreach
15 services developed under section 8-13.3-520. Interest earned on the
16 investment of money in the fund remains in the fund. Any money
17 remaining in the fund at the end of a fiscal year remains in the fund and
18 does not revert to the general fund or any other fund. State money in the
19 fund is continuously appropriated to the division for the purpose of this
20 section. The general assembly shall not appropriate money from the fund
21 for the general expenses of the state.

22 (3) (a) ON THE EFFECTIVE DATE OF THIS SUBSECTION (3)(a) OR AS

1 SOON AS POSSIBLE THEREAFTER, THE STATE TREASURER SHALL TRANSFER
2 ONE MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE GENERAL
3 FUND TO THE FUND FOR THE PURPOSE OF DEFRAYING EXPENSES INCURRED
4 BY THE DIVISION BEFORE IT RECEIVES PREMIUM REVENUE OR REVENUE
5 BOND PROCEEDS. NOTWITHSTANDING ANY OTHER LAW, THE DIVISION MAY
6 ACCEPT AND EXPEND ANY MONEY SO TRANSFERRED, AND,
7 NOTWITHSTANDING ANY STATE FISCAL RULE OR GENERALLY ACCEPTED
8 ACCOUNTING PRINCIPLE THAT COULD OTHERWISE BE INTERPRETED TO
9 REQUIRE A CONTRARY CONCLUSION, SUCH A TRANSFER IS A LOAN FROM
10 THE STATE TREASURER TO THE DIVISION THAT IS REQUIRED TO BE REPAYED
11 AND IS NOT A GRANT FOR PURPOSES OF SECTION 20 (2)(d) OF ARTICLE X OF
12 THE STATE CONSTITUTION OR AS DEFINED IN SECTION 24-77-102 (7). LOAN
13 LIABILITIES THAT ARE RECORDED IN THE FUND BUT ARE NOT REQUIRED TO
14 BE PAID IN THE CURRENT FISCAL YEAR SHALL NOT BE CONSIDERED WHEN
15 CALCULATING SUFFICIENT STATUTORY FUND BALANCE FOR PURPOSES OF
16 SECTION 24-75-109.

17 (b) NO LATER THAN DECEMBER 31, 2023, THE DIVISION SHALL
18 REPAY THE LOAN OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS
19 RECEIVED PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION AND
20 ACCUMULATED INTEREST FROM THE FUND. INTEREST ACCRUES ON THE
21 MONEY BORROWED AT A RATE EQUIVALENT TO THE RATE PER ANNUM ON
22 THE MOST RECENTLY ISSUED TEN-YEAR UNITED STATES TREASURY NOTE,
23 ROUNDED TO THE NEAREST ONE-TENTH OF ONE PERCENT, AS REPORTED BY
24 THE "WALL STREET JOURNAL", AS OF THE DATE THE TRANSFER REQUIRED
25 BY SUBSECTION (3)(a) OF THIS SECTION IS MADE. INTEREST ACCRUES AT
26 THE RATE SPECIFIED IN THIS SUBSECTION (3)(b) BEGINNING ON THAT DATE,
27 UNTIL THE DATE ON WHICH THE MONEY IS REPAYED.

1 (c) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE DECEMBER 1,
2 2024.

3 **SECTION 2. Appropriation.** (1) For the 2021-22 state fiscal
4 year, the general assembly anticipates that the department of labor and
5 employment will expend \$1,500,000. This amount is from the family and
6 medical leave insurance fund created in section 8-13.3-518, C.R.S., and
7 is subject to the "(I)" notation as defined in the annual general
8 appropriation act for the same fiscal year. The general assembly
9 anticipates that the department will expend this amount as follows:

10 (a) \$1,162,202 for use by the family and medical leave division
11 for program costs, which amount is based on an assumption that the
12 division will require an additional 6.0 FTE;

13 (b) \$231,920 for the purchase of information technology services;
14 and

15 (c) \$105,878 for the purchase of legal services.

16 (2) For the 2021-22 state fiscal year, \$231,920 is appropriated to
17 the office of the governor for use by the office of information technology.
18 This appropriation is from reappropriated funds received from the
19 department of labor and employment identified in subsection (1)(b) of
20 this section. To implement this act, the office may use this appropriation
21 to provide information technology services for the department of labor
22 and employment.

23 (3) For the 2021-22 state fiscal year, \$105,878 is appropriated to
24 the department of law. This appropriation is from reappropriated funds
25 received from the department of labor and employment identified in
26 subsection (1)(c) of this section, and is based on an assumption that the
27 department of law will require an additional 0.6 FTE. To implement this

1 act, the department of law may use this appropriation to provide legal
2 services for the department of labor and employment.

3 **SECTION 3. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, or safety.